

The PRESIDING OFFICER replied in the negative.

The question was then stated to be on the substitute offered by Mr. Bowie.

Mr. PARKE inquired if it would be in order to move an amendment?

The PRESIDING OFFICER replied that it would not be in order.

Mr. BOWIE then demanded the yeas and nays on agreeing to his amendment, which were ordered.

Mr. PHELPS. I suppose it is not in order to say a word in reference to the proposition, except to make a motion.

The PRESIDING OFFICER. Not one word.

Mr. PHELPS. I am very sorry. I should like to make a speech.

The question was then taken on agreeing to the substitute moved by Mr. Bowie, with the following result:

*Affirmative*—Messrs. Morgan, Hopewell, Ricard, Mitchell, Weems, Buchanan, Welch, Chandler, Ridgely, McCullough, Miller, McLane, Bowie, Tuck, Shriver, Johnson, Biser, Michael Newcomer, Holliday, Fitzpatrick and Smith—21.

*Negative*—Messrs. Chapin, President, Lee, Chambers of Kent, Donaldson, Wells, Randall, Kent, Sellman Dalrymple, Brent of Charles, Merrick, Howard, Bell, Sherwood of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Gaither, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Slicer, Parke, Ege, Shower and Brown—64.

So the Convention refused to accept the substitute.

The question then recurred upon the adoption of the amendment offered by Mr. Crisfield.

Mr. SPENCER moved, as a substitute for Mr. Crisfield's amendment, the following:

"Sec. 9. This State shall be divided into eight judicial districts exclusive of the city of Baltimore, in manner and form following, to wit: Worcester, Somerset and Dorchester counties shall be the first district; Caroline, Talbot and Queen Anne's counties shall be the second district; Kent, Cecil and Harford counties shall be the third district; Allegany and Washington counties shall be the fourth district; Frederick and Montgomery counties shall be the fifth district; Baltimore and Carroll counties shall be the sixth district; Prince George's, Charles and St. Mary's counties shall be the seventh district; Calvert, Anne Arundel and Howard counties, shall be the eighth district; and one person of integrity and sound judgment in the law, who shall have been a citizen of this State at least five years, and a resident of the district, and not above the age of seventy years, shall be elected from each of said districts, by a majority of the legal and qualified voters therein, as a judge of the county court for said district, who shall hold his office for the term of ten years

from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after; and the county courts, so as aforesaid established, shall have, hold and exercise in the several counties of this State, all and every the powers, authorities and jurisdictions which the county courts of this State now have, use and exercise, and which shall hereafter be prescribed by law, except in matters appertaining to courts of equity; and the said judges shall have and use all other powers and authorities which the judges of the county courts now have, by virtue of law, or which may hereafter be prescribed by law; and the said county courts shall respectively hold their sessions in the several counties, at the times and places where they are now held, or at such other times and places as may hereafter be prescribed by law; and the salary of the said judges shall respectively be two thousand dollars per annum, and shall not be diminished during the period of their continuance in office, and they shall not receive any perquisites of office, from any source whatever, or any other than fixed and certain salaries.

Mr. HOWARD. I ask the gentleman from Queen Anne's if he has any objection to inserting in his substitute the words "shall not be increased or," before the word "diminished," so as to prevent the salaries of the judges from being increased or diminished.

Mr. SPENCER. I have not the slightest objection. The Convention did it in regard to the other matter, and therefore I bow to their decision, and will modify my proposition accordingly.

Mr. MITCHELL. Does the gentleman include, in the business of these judges, the chancery court and the orphans' court jurisdiction?

Mr. SPENCER. My proposition says nothing in reference to that subject, leaving the matter open, to be determined by the Convention hereafter.

Mr. BOWIE. Section ten does that.

Mr. SPENCER. This section simply disposes of the common law districts. After that is disposed of, the Convention can determine whether these judges shall have further jurisdiction. I propose to offer an amendment to that effect.

Mr. CRISFIELD. For the purpose of making some remarks, I will move to strike out "eight" and insert "seven." The substantial difference between the gentleman from Queen Anne's and myself is, that he proposes eight judicial districts, exclusive of the city of Baltimore, and I propose eight judicial districts, inclusive of the city of Baltimore. He makes one judicial district more than I do. Now, I understood the orphans' court jurisdiction, which was proposed by the original bill to have been given to the common law judge, has, by an amendment, been stricken out. To that extent, the services of the judges of all these judicial districts will be diminished.

Mr. SPENCER. I must call the gentleman to order. There are three amendments pending before the Convention, and the gentleman has